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EXAMINER

COLON, CATHERINE M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/395,455

Applicant(s)

SARKISIAN ET AL.

Examiner

C. Michelle Colon

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10, 13-15, 17-21, 23, 26-31 and 33 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1-8, 10, 13-15, 17-21, 23, 26-31 and 33 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. The following is a Final Office Action in response to the communication received on June 26, 2003. Claims 1, 13 and 28 have been amended. Claims 1-8, 10, 13-15, 17-21, 23, 26-31 and 33 are now pending in this application.

Response to Amendment

2. Applicant's amendments to claims 1, 13 and 28 are acknowledged.

Response to Arguments

3. Applicant's arguments have been fully considered, but are found unpersuasive. In the Remarks, Applicant argues the following: 1) with respect to claims 1 and 13, Frost does not teach or suggest grouping attributes in response to customer-oriented market research or classifying the attributes based on brand personality importance; 2) with respect to claims 1 and 13, Frost does not teach or suggest assigning competitive levels to attributes or the generation of a preferred product brand position; 3) with respect to claim 28, Frost does not teach target vehicle brand image characteristics, which include areas of image/personality, product/service and price/value; and 4) with respect to claim 28, the combination of Frost and Eisner does not teach all of the limitations.

In response to argument 1, Examiner respectfully disagrees. In col. 8, lines 36-39; col. 10, line 63-col. 11, line 6; Figure 6; Frost teaches that attributes are grouped into clusters in response to the customer-oriented interviews. For example, in Figure 6, the product attributes for fragrances (i.e., strong) are grouped on the axis according to

their association with the descriptors (i.e., spicy) elicited from the customer-oriented market research. Claims 1 and 13 do not specify *how or why* the attributes are grouped; rather, they only recite that attributes are grouped in response customer-oriented market research. It is suggested that Applicant amend the claims to further clarify the methodology or reasoning for the grouping of attributes in order to convey greater functional importance to the limitation.

In response to argument 2, Examiner respectfully disagrees. In col. 4, lines 45-50, Frost discloses expressing a degree of preference for each item that can also be expressed as a preference for one item relative to other items. More specifically, in col. 8, lines 45-67, Frost discloses plotting products along an axis based on their attributes to include their rank, which is expressed as a degree of preference. Figure 4a shows the products plotted on the axis, where product B is shown to have the highest competitive level with the highest rank and being closest to the ideal ("ID") product brand position, and product F is shown to have the lowest competitive level with the lowest rank and being farthest from the "ID." Thus, the products and their attributes are associated with competitive levels in their ranking of degree of preference by consumers and in their distance on the axis to the "ID," or the ideal product brand position. Additionally, the claims do not expressly recite *how* the product attributes are associated with competitive levels. Therefore, the use of ranking of product attributes with respect to each other cannot be precluded.

In response to argument 3, Examiner respectfully disagrees. Examiner further submits that the features upon which applicant relies are not recited in the rejected

claim(s). Nowhere in claim 28 is it recited, “areas of image/personality, product/service and price/value” to *further define* target vehicle brand image characteristics. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). It is suggested that Applicant amend claim 28 to further define target vehicle brand image characteristics to include “areas of image/personality, product/service and price/value” if the definition provided in the Remarks is the intended meaning.

In response to argument 4, Examiner respectfully disagrees. Eisner teaches the use of integrated product teams to influence how a product is developed and sold, where the integrated product teams include marketing and sales and research and development functions. Eisner also teaches that integrated product teams are *especially used in the development of new products* (page 315). Likewise, Frost teaches a *need for marketing research where a new product is going to be introduced* and where the product is introduced within a group of functionally-related items such as vehicles (col. 6, lines 45-65). Accordingly, Eisner teaches the use of integrated product teams, which includes marketing and research functions, as old and well known for the development of new products and Frost teaches a need for marketing research for the development of new products. Frost further teaches that such a need is applicable to functionally-related products, including vehicles. Therefore, the combination of Frost and Eisner is appropriate and does teach the limitations of claim 28.

Therefore, Applicant's arguments have been fully considered, but are found unpersuasive. The claim rejections, with amendments, are maintained and repeated below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1-3, 5, 7, 8, 13-15, 18, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Frost (U.S. 5,041,972).

As per claim 1, Frost discloses a method of developing a brand profile for a new product comprising the steps of:

providing a predetermined plurality of product attributes each representing an identifiable feature of a generic product under consideration (col. 7, line 55-col. 8, line 28; the 30-50 attributes are predetermined and provided to a user with each attribute representing a feature of a generic product.);

grouping said product attributes in response to customer-oriented market research (col. 8, lines 36-39; col. 10, line 63-col. 11, line 6; Figure 6; the attributes are grouped into clusters in response to the customer-oriented interviews. For example, in Figure 6, the product attributes for fragrances (i.e., strong) are grouped on the axis

according to their association with the descriptors (i.e., spicy) elicited from the customer-oriented market research.);

placing each of said attributes in an attribute class corresponding to brand personality importance (col. 7, lines 10-11; col. 8, lines 25-67; Figures 3, 4a, 4b and 7; the attributes are grouped according to their brand personality importance. For example, in Figure 4a, each product (i.e., a particular automobile brand) is grouped on an axis according to its attribute evaluations corresponding to brand personality importance (i.e., convenient and inexpensive). Likewise, in Figure 7, the fragrances are grouped according to their associated consumer preferences.);

thereafter, generating a preferred product brand position as a function of said product attributes, including identifying a competitive set of products, and associating each of said product attributes with a preferred competitive level with respect to said competitive set (col. 3, lines 34-45; col. 4, lines 45-50; col. 6, lines 45-62; col. 8, lines 11-25; a preferred product brand position is generated by eliciting "ideal attributes" of products, degrees of preference and likelihood of purchase for each product. The attributes can refer to competing products and a preference is expressed for one item relative to another which associates the items with competitive levels with respect to one another.); and

generating target product characteristics as a function of said classified product attributes and said preferred product brand position, said target product characteristics representing customer-driven objectives for each of said plurality of product attributes to be incorporated into said new product (col. 3, lines 34-45; col. 6, lines 45-54; the

product's characteristics are a function of its attributes and preferred brand. The characteristics represent customer-driven objectives for a plurality of product attributes, which are then used to determine new products or new product attributes.).

As per claim 2, Frost discloses all the limitations of a method as recited in claim 1 wherein the step of providing a predetermined plurality of product attributes comprises the steps of providing a plurality of summary attributes and a clarifying definition for each of said summary attributes, said clarifying definition providing a relationship between each of said product attributes and the type of product under development (col. 7, line 55-col. 8, line 28; there are a plurality of product attributes, the product attributes have a relationship with every product under development, attributes are used to describe characteristics of a product).

As per claim 3, Frost discloses all the limitations of a method as recited in claim 1 wherein the step of providing a predetermined plurality of product attributes includes the step of providing a detailed definition for each of said product attributes, each of said detailed definitions providing a context for each attribute as it relates to the product under development (col. 7, line 55-col. 8, line 28; these predetermined attributes are used to describe the product under development).

As per claim 5, Frost discloses all the limitations of a method as recited in claim 1 further comprising the step of ranking each of said product attributes (col. 4, lines 34-48; col. 8, lines 40-67; the attributes are ranked by showing preference for certain attributes).

As per claim 7, Frost discloses all the limitations of a method as recited in claim 1 further comprising the step of generating a primary brand position as a function of said product attributes (col. 3, lines 34-45; col. 8, lines 11-25; a primary brand position is generated by the product attributes).

As per claim 8, Frost discloses all the limitations of a method as recited in claim 1 further comprising the step of generating a present product brand position as a function of said product attributes (col. 3, lines 34-45; col. 8, lines 11-25; a product brand position is generated by the product attributes).

As per claim 13, Frost discloses a method of developing a brand profile for a new automotive vehicle comprising the steps of:

providing a plurality of vehicle attributes, said plurality including at least attributes from each of the following groups of vehicle characteristics: usage experience, driving experience and design (col. 4, lines 34-50; col. 7, line 55-col. 8, line 28; the 30-50 attributes are predetermined and provided to a user with each attribute representing a feature of a vehicle.);

grouping said product attributes in response to customer-oriented market research (col. 8, lines 36-39; col. 10, line 63-col. 11, line 6; Figure 6; the attributes are grouped into clusters in response to the customer-oriented interviews. For example, in Figure 6, the product attributes for fragrances (i.e., strong) are grouped on the axis according to their association with the descriptors (i.e., spicy) elicited from the customer-oriented market research.);

placing each of said attributes in an attribute class corresponding to brand personality importance (col. 7, lines 10-11; col. 8, lines 25-67; Figures 3, 4a, 4b and 7; the attributes are grouped according to their brand personality importance. For example, in Figure 4a, each product (i.e., a particular automobile brand) is grouped on an axis according to its attribute evaluations corresponding to brand personality importance (i.e., convenient and inexpensive). Likewise, in Figure 7, the fragrances are grouped according to their associated consumer preferences.);

thereafter, generating a preferred vehicle brand position as a function of said vehicle attributes, including identifying a competitive set of products, and associating each of said product attributes with a preferred competitive level with respect to said competitive set (col. 3, lines 34-45; col. 4, lines 45-50; col. 6, lines 45-62; col. 8, lines 11-25; a preferred product brand position is generated by eliciting "ideal attributes" of products, degrees of preference and likelihood of purchase for each product. The attributes can refer to competing products and a preference is expressed for one item relative to another which associates the items with competitive levels with respect to one another.); and

generating target vehicle characteristics as a function of said vehicle attributes and said preferred vehicle brand position, said target vehicle characteristics representing customer-driven objectives for each of said plurality of vehicle attributes to be incorporated into said new automotive vehicle (col. 3, lines 34-45; col. 6, lines 45-54; the product's characteristics are a function of its attributes and preferred brand. The

characteristics represent customer-driven objectives for a plurality of product attributes, which are then used to determine new products or new product attributes.).

As per claim 14, Frost discloses all the limitations of the method as recited in claim 13 wherein the step of providing a plurality of vehicle attributes comprises the steps of providing a plurality of summary attributes and a clarifying definition for each of said summary attributes, said clarifying definition providing further detail relating each of said vehicle attributes to a vehicle characteristic (col. 7, line 55-col. 8, line 28; there are a plurality of product attributes, the product attributes have a relationship with every product under development, attributes are used to describe characteristics of a product).

As per claim 15, Frost discloses all the limitations of a method as recited in claim 13 wherein the step of providing a plurality of vehicle attributes includes the step of providing a detailed definition for each of said vehicle attributes, each of said detailed definitions providing a context for each attribute as it relates to the vehicle under development (col. 7, line 55-col. 8, line 28; these provided attributes are used to describe the product under development).

As per claim 18, Frost discloses all the limitations of a method as recited in claim 13 further comprising the step of ranking each of said vehicle attributes (col. 4, lines 45-48; col. 8, lines 40-67; the attributes are ranked by the user by showing preference for certain attributes).

As per claim 20, Frost discloses all the limitations of a method as recited in claim 13 further comprising the step of generating a primary brand position as a function of

said vehicle attributes (col. 3, lines 34-45; col. 8, lines 11-25; a primary brand position is generated by the attributes).

As per claim 21, Frost discloses all the limitations of a method as recited in claim 13 further comprising the step of generating a present brand position as a function of said vehicle attributes (col. 3, lines 34-45; col. 8, lines 11-25; a product brand position is generated by the attributes).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 6, 17, 19, 23, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frost (U.S. 5,041,972).

As per claim 4, Frost discloses all the limitations of a method as recited in claim 1 and the step of placing each of said attributes in an attribute class and using attributes to represent different characteristics of the product (col. 3, lines 34-45; col. 7, lines 5-13; the attributes about the product are from the two different groups: rational descriptors and emotional descriptors, which include stereotype and personality descriptors, a primary brand position is generated by the product attributes). However, Frost does not expressly disclose placing the attribute in one of the three classes as claimed. It would have been obvious to one of ordinary skill in the art to create classes that represent the

different attributes in the above manner as it explicitly separates the product, based on its attributes, from its competitors. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to create different classes for the project as it allows one to easily find the attributes that differentiate this product from its competitors. By allowing the important differentiating attributes to be easily seen, the product marketers and manufacturers can more accurately determine their market segment and how their product is perceived against the competition.

As per claim 6, Frost discloses all the limitations of a method as recited in claim 4 further comprising the step of ranking each of said product attributes (col. 4, lines 34-48; col. 8, lines 40-67; the vehicle attributes are ranked by the user by showing a degree of preference with the attributes for the vehicle). Frost does not expressly disclose that the rank is related to each of the classes as claimed. It would be obvious to one of ordinary skill in the art to have the ranking be related to the classes so that the attributes in each class have a higher ranking than the class before as it is a more efficient and user-friendly way to separate the classes. By separating the classes based on rank, a user can quickly find the most important and distinguishable attributes in a single class. At the time of the invention, it would have been obvious for one to group in this way an many things are grouped based on rank. For example, schools are grouped based on their rank. In the same way, the schools with higher attribute ratings (or higher rank) all fall into a higher tier (or class) when compared to other schools.

As per claim 10, Frost discloses the limitations of a method as recited in claim 1. Frost does not expressly disclose associating each of the product attributes with one of

Art Unit: 3623

the four competitive levels as claimed. It is well known in the art to associate a product attribute with a competitive level. It would be obvious to one of ordinary skill in the art to create the different levels of competitiveness of the product in order to determine and prioritize the product's attributes. By placing the attributes in different competitive levels, one is better able to determine the advantages of their product and apply them to a specified market segment. At the time of the invention, it would have been obvious to create the levels to categorize the attribute, as it is a user-friendly way to visualize the advantages as well as an accurate way to compare the product with its competition.

As per claim 17, Frost discloses the limitations of a method as recited in claim 13 and the step of placing vehicle attributes in an attribute class and using the attributes to represent different characteristics of the vehicle (col. 3, lines 34-45; col. 7, lines 5-13; the attributes about the product are from the two different groups: rational descriptors and emotional descriptors, which include stereotype and personality descriptors). However, Frost does not expressly disclose placing the vehicle attribute in one of three classes as claimed. It would have been obvious to one of ordinary skill in the art to create classes that represent the different vehicle attributes in the above manner as it explicitly separates the vehicle, based on its attributes, from its competitors. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to create different classes for the vehicle as it allows one to easily identify the attributes that differentiate it from its competitors. By allowing the important differentiating attributes to be easily seen, the vehicle marketers and manufacturers can more

accurately determine their market segment and how their vehicle is perceived against the competition.

As per claim 19, Frost discloses all the limitations of a method as recited in claim 17 further comprising the step of ranking each of said vehicle attributes (col. 4, lines 34-48; col. 8, lines 40-67; the vehicle attributes are ranked by the user by showing a degree of preference with the attributes for the vehicle). Frost does not expressly disclose that the rank is related to each of the classes as claimed. It would be obvious to one of ordinary skill in the art to have the ranking be related to the classes so that the attributes in each class have a higher ranking than the class before as it is a more efficient and user-friendly way to separate the classes. By separating the classes based on rank, a user can quickly find the most important and distinguishable attributes in a single class. At the time of the invention, it would have been obvious for one to group in this way an many things are grouped based on rank. For example, schools are grouped based on their rank. In the same way, the schools with higher attribute ratings (or higher rank) all fall into a higher tier (or class) when compared to other schools.

As per claim 23, Frost discloses the limitations of a method as recited in claim 13. Frost does not expressly disclose associating each of the vehicle attributes with one of the four competitive levels as claimed. It is well known in the art to associate a product attribute with a competitive level. It would be obvious to one of ordinary skill in the art to create the different levels of competitiveness of the product in order to determine and prioritize the product's attributes. By placing the attributes in different competitive levels, one is better able to determine the advantages of their product and

Art Unit: 3623

apply them to a specified market segment. At the time of the invention, it would have been obvious to create the levels to categorize the attribute, as it is a user-friendly way to visualize the advantages as well as an accurate way to compare the product with its competition.

As per claim 26, Frost discloses all the limitations of a method as recited in claim 19 further comprising the step of ranking each of said vehicle attributes (col. 4, lines 34-48; col. 8, lines 40-67; the vehicle attributes are ranked by the user by showing a degree of preference with the attributes for the vehicle). Frost does not expressly disclose ranking design, usage experience and driving experience attributes differently. It would be obvious to one of ordinary skill in the art to rank design, usage experience and driving experience attributes differently as design attributes pertain to the way a person sees and feels about the non-functional aspects of the car, while usage and driving refer to the mechanical aspects of the car. At the time of the invention, separating these two important attribute categories allows the vehicle marketers and manufacturers to more accurately determine what improvements they need to make on the car. This allows the functional aspects to be evaluated independently of the appearance.

As per claim 27, Frost discloses all the limitations of a method as recited in claim 26 wherein the step of classifying each of said attributes includes the steps of classifying each design attribute using a scale (col. 4, lines 45-48; the vehicle attributes are ranked by the user by showing a degree of preference with the attributes for the vehicle). Frost does not disclose a scale having more gradients than the classification

scale. It would be obvious to one of ordinary skill in the art to have a scale with more gradients for the usage and driving experience attributes, as it would more accurately allow the vehicle manufacturers and marketers to determine successful and unsuccessful characteristics of the vehicle. Using a scale with gradients also emphasizes the more important attributes. At the time of the invention, it would have been obvious to use gradients as it increases the accuracy of the scale for the usage and driving attributes.

8. Claims 28, 29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frost (U.S. 5,041,972) and Eisner, "Essentials of Project and Systems Engineering Management."

As per claim 28, Frost discloses a method of developing a brand profile for a new automotive vehicle comprising the steps of:

providing a plurality of vehicle attributes, said plurality including at least attributes from each of the following groups of vehicle characteristics: usage/experience, driving experience and design (col. 3, lines 19-45; col. 7, line 55-col. 8, line 50; the 30-50 attributes are predetermined and provided to a user with each attribute representing a feature of the product. The products include functionally-related items such as vehicles.);

grouping said product attributes in response to customer-oriented market research (col. 8, lines 36-39; col. 10, line 63-col. 11, line 6; Figure 6; the attributes are grouped into clusters in response to the customer-oriented interviews.);

placing each of said attributes in an attribute class corresponding to brand personality importance (col. 7, lines 10-11; col. 8, lines 16-67; Figures 3, 4a, 4b and 7; the attributes are grouped according to their brand personality importance. For example, in Figure 4a, each product (i.e., a particular automobile brand) is grouped on an axis according to its attribute evaluations corresponding to brand personality importance (i.e., convenient and inexpensive). Likewise, in Figure 7, the fragrances are grouped according to their associated consumer preferences.);

providing target customer characteristics (col. 3, lines 34-45; the customer provides characteristics of the vehicle);

providing target vehicle brand image characteristics (col. 3, lines 34-45; col. 7, lines 32-54; col. 8, lines 16-35; Figures 1 and 2; the customer provides vehicle image characteristics in terms of both physical and emotional descriptors that the customer associates with a particular brand. Customers also evaluate vehicle image characteristics based on brand. Figures 1 and 2 allow customers to evaluate the "sportiness" of among different brands of vehicles.);

thereafter, generating a preferred vehicle brand position as a function of said vehicle attributes, said target customer characteristics, and said target vehicle image characteristics (col. 3, lines 34-45; col. 4, lines 45-50; col. 6, lines 45-62; col. 8, lines 11-25; a preferred product brand position is generated by eliciting "ideal attributes" of

Art Unit: 3623

products, degrees of preference and likelihood of purchase for each product. The attributes can refer to competing products and a preference is expressed for one item relative to another which associates the items with competitive levels with respect to one another.); and

generating target vehicle objectives as a function of said vehicle attributes and said preferred vehicle brand position, said target vehicle objectives representing customer-driven and image-driven characteristics for each of said plurality of vehicle attributes to be incorporated into said new automotive vehicle (col. 3, lines 34-45; col. 6, lines 45-54; the product's characteristics are a function of its attributes and preferred brand. The characteristics represent customer-driven objectives for a plurality of product attributes, which are then used to determine new products or new product attributes.).

Frost does not expressly disclose providing a cross-functional product team. However, Eisner discloses a cross-functional team (page 315, the integrated products teams are comprised of management, marketing and sales, research and development, engineering, production, finance and accounting). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have a cross-functional team that generates a vehicle brand position and objectives since it allows the entire team to easily communicate ideas and avoid potential problems.

As per claim 29, Frost discloses all the limitations of the method as recited in claim 28 wherein the step of providing target customer characteristics comprises the step of providing a brand positioning summary (col. 3, lines 34-45; col. 8, lines 11-25;

the product attributes are given by the customer, they are the characteristics that the customer associates with a particular brand).

As per claim 33, Frost discloses all the limitations of the method as recited in claim 28. Frost does not expressly disclose a cross-functional product team that includes at least one member from various corporate departments. It is well known in the art to create teams for marketing purposes. These teams would include people from the vehicle program management, marketing, purchasing, finance, engineering and design. It would have been obvious to one skilled in the art to have all these different types of people on a cross-functional product team as it allows people from the various groups in the company to combine expertise in producing the vehicle. It would have been obvious at the time of the invention to have a cross-functional product team as it uses expertise from all areas of the company.

9. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frost (U.S. 5,041,972) and Eisner, "Essentials of Project and Systems Engineering Management," and in further view of McCarthy et al. "Basic Marketing: A Global Managerial Approach."

As per claim 30, Frost and Eisner disclose the limitations of the method as recited in claim 29. Frost discloses target customer defining characteristics (col. 3, lines 34-45). Frost does not expressly disclose a brand positioning summary. McCarthy discloses a brand positioning summary which includes target customer defining characteristics, target customer selection rationales, a summary of the new vehicles'

Art Unit: 3623

role in the product portfolio, etc. (chapter 3). It would be obvious to one of ordinary skill in the art to create a brand positioning summary as claimed since they are all common features of determining how and if a product should be marketed to the public. One of ordinary skill in the art would have included brand positioning summary as it allows a company to identify their market. At the time of the invention, it would have been obvious to include a brand positioning summary as it summarizes all of the important characteristics of the product including its most important attributes. This allows someone to quickly and accurately determine the type of product and the market segment.

As per claim 31, Frost and Eisner disclose the limitations of the method as recited in claim 28 and the step of providing target vehicle image characteristics. However, Frost does not expressly disclose the step of providing a brand bulls eye, McCarthy et al. teaches placing data characteristics in a bulls eye formation (page 47). It would be obvious for one skilled in the art to place the brand information in a bulls eye format as it is a common format for depicting information pictorially. At the time of the invention, it would have been obvious for one to use the bulls eye to show brand information as it is a user-friendly format and clearly emphasizes important vehicle image characteristics.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-4251. The examiner can normally be reached Monday – Thursday from 8:30am to 5:30pm and every other Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:


703-305-7687 [Official Communications; including After Final
communications labeled "Box AF"]

703-746-7202 [For status inquiries, draft communication, labeled
"Proposed" or "Draft"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA 7th floor receptionist.


cmc

September 5, 2003


TARIQ R. HARIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER